

J. GARY GWILLIAM (State Bar No. 33430)  
 RANDALL E. STRAUSS (State Bar No. 168363)  
 GWILLIAM, IVARY, CHIOSSO, CAVALLI & BREWER  
 1999 Harrison Street, Suite 1600  
 Oakland, California 94612-3528  
 Telephone: (510) 832-5411  
 Facsimile: (510) 832-1918

Attorneys for Plaintiffs  
 Richard Adame, Connie G. Bender  
 and Constance Davis

PATRICIA K. GILLETTE (STATE BAR NO. 74461)  
 pgillette@orrick.com

GREG J. RICHARDSON (STATE BAR NO. 203788)  
 grichardson@orrick.com

LENA P. RYAN (STATE BAR NO. 258782)  
 lenaryan@orrick.com

ORRICK, HERRINGTON & SUTCLIFFE LLP  
 The Orrick Building  
 405 Howard Street  
 San Francisco, California 94105  
 Telephone: (415) 773-5700  
 Facsimile: (415) 773-5759

Attorneys for Defendant  
 Bank of America, National Association  
 (erroneously sued as "Bank of America")

UNITED STATES DISTRICT COURT  
 NORTHERN DISTRICT OF CALIFORNIA

RICHARD ADAME, CONNIE G. BENDER,  
 and CONSTANCE DAVIS

Plaintiff,

v.

BANK OF AMERICA, NATIONAL  
 ASSOCIATION (erroneously sued as "Bank of  
 America")

Defendant.

Case No. CV 09-0129 SI

**STIPULATED REQUEST TO CHANGE  
 TIME PURSUANT TO CIVIL L.R. 6-2 AND  
 PROPOSED ORDER; DECLARATION OF  
 PATRICIA K. GILLETTE IN SUPPORT OF  
 SAME**

Judge: Hon. Susan Illston

**STIPULATION**

1. Pursuant to Civil Local Rule 6-2, the parties hereto through their respective attorneys of record hereby stipulate and agree to continue the Case Management Conference (“CMC”) in this matter (currently set for July 2, 2010) until October 1, 2010 or as soon as practicable thereafter as the availability of the Court’s calendar permits.

2. Both parties agree to the stipulation as indicated by their signatures below. The parties respectfully request that the Court approve the Stipulation, pursuant to Civil L.R. 6-2 and enter an Order thereupon. A form of proposed Order is filed herewith.

The parties make this stipulated request based on the facts set forth in the attached declaration of Patricia K. Gillette.

Dated: June 29, 2010

Respectfully submitted,

J. GARY GWILLIAM  
RANDALL E. STRAUSS  
GWILLIAM, IVARY, CHIOSSO, CAVALLI & BREWER

By: /s/ Randall E. Strauss  
Randall E. Strauss  
Attorneys for Plaintiffs  
Richard Adame, Connie G. Bender and Constance Davis

Orrick attests that concurrence in the filing of the document has been obtained from the other signatory, which shall serve in lieu of their signature on the document.

Dated: June 29, 2010

Respectfully submitted,

PATRICIA K. GILLETTE  
GREG J. RICHARDSON  
LENA P. RYAN  
ORRICK, HERRINGTON & SUTCLIFFE LLP

By: /s/ Patricia K. Gillette  
Patricia K. Gillette  
Attorneys for Defendant  
Bank of America, National Association

**ORDER**

The Court having considered the above Stipulation, and good cause appearing therefore,

IT IS HEREBY ORDERED that the scheduled CMC date of July 2, 2010 is vacated, and shall be rescheduled for Oct. 1, 2010, 2010 at 3:00 p.m..

Hon. Susan Illston



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UNITED STATES DISTRICT JUDGE

**DECLARATION OF PATRICIA K. GILLETTE**

1  
2 1. I am a partner at the law firm of Orrick, Herrington & Sutcliffe LLP, counsel of  
3 record for Defendant Bank of America, National Association (“Defendant”). I make this declaration out  
4 of my own personal knowledge and, if called as a witness, I could and would testify competently to the  
5 matters set forth herein.

6 2. The parties make this stipulated request to change time because Defendant intends  
7 to file separate Motions for Summary Judgment for each of the three Plaintiffs in this matter. The  
8 hearing on the first Motion (as to Plaintiff Bender) was held on June 18, 2010. The hearing on the  
9 second Motion (as to Plaintiff Adame) is scheduled for July 30, 2010. The hearing on the third Motion  
10 (as to Plaintiff Davis) is scheduled for September 17, 2010. Therefore, the parties agree that it would  
11 prudent to continue the Case Management Conference until after the remaining hearings have been  
12 heard by the Court.

13 3. On February 4, 2009, the parties filed a Stipulation Re Extension of Time to  
14 Respond to Complaint.

15 4. On February 20, 2009, the parties filed a Stipulation and [Proposed] Order  
16 Granting Plaintiff’s Leave to File First Amended Complaint.

17 5. On February 24, 2009, this court entered an Order Granting Leave to Amend  
18 Within 15 Days.

19 6. The initial Case Management Conference was scheduled for April 23, 2009, with  
20 the Honorable Maria-Elena James. On February 25, 2009, the Case Management Conference was re-  
21 scheduled for May 1, 2009, after reassignment to the Honorable Susan Illston.

22 7. On March 20, 2009, the parties filed a Request to Change Time Pursuant to Civil  
23 Local Rule 6-2 and Proposed Order.

24 8. On March 23, 2009, the Court continued the Case Management Conference until  
25 June 12, 2009.

26 9. On June 2, 2010, the parties filed a Stipulated Request to Change Hearing Date  
27 for Defendant’s Motion for Summary Judgment and Modify Briefing Schedule.

28 10. On June 3, 1010, the Court continued the hearing on the Motion for Summary

1 Judgment as to Plaintiff Adame until July 30, 2010.

2 11. The continuance of the CMC should not have any noticeable effect on the  
3 progress of the case.

4 Executed this 29th day of June 2010 in San Francisco, California. I declare under penalty  
5 of perjury of the laws of the United States that the foregoing is true and correct.

6  
7 /s/ Patricia K. Gillette

8 Patricia K. Gillette

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